



## THE SECURITY OF PAKISTAN ACT, 1952



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# THE SECURITY OF PAKISTAN ACT, 1952

## <sup>1</sup>ACT NO. XXXV OF 1952

[5<sup>th</sup> May, 1952]

**An Act to provide for special measures to deal with persons acting in a manner prejudicial to the defence, external affairs and security of Pakistan,** <sup>2\*</sup> \* \*, <sup>3\*</sup> \* \*

WHEREAS it is expedient to provide for special measures to deal with persons acting in a manner prejudicial to the defence, external affairs and security of Pakistan, <sup>2\*</sup> \* \*, <sup>3\*</sup> \* \* ;

It is hereby enacted as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the Security of Pakistan Act, 1952.

(2) It extends to the whole of Pakistan.

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<sup>1</sup>For Statement of Objects and Reasons, see Gazette of Pakistan, Ext., 1952 page 553.

The Act has been applied to—

(i) Baluchistan, with effect on and from the 6th May, 1952, see Gazette of P., 1952, Pt. I, page 119 ; extended to the Leased Areas of Baluchistan, by the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950); and to applied in the Federated Areas of Baluchistan, see Gazette of Pakistan, 1953, Pt. I, page 152, and

It has also been extended to—

(ii) the Baluchistan States Union, by the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G.G.O. 4 of 1953) ; and

(iii) Khairpur State, by the Khairpur (Federal Laws) (Extension) Order, 1953 (G.G.O. 5 of 1953).

In this Act references to detention order to an Advisory Board shall be of no effect (with effect from the 7th October, 1958), see the President's Order (Post-Proclamation) No. 1 of 1958, Art. 4 and Sch.

The Act has been and shall be deemed to have been brought into force in Gwadur with effect from 8th September, 1958, by the Gwadur (Application of Central Laws) Ordinance, 1960 (37 of 1960), S. 2, see also Martial Law Regulation No. 72.

<sup>2</sup> The words "or the maintenance of supplies and services essential for the community" omitted by the Adaptation (Security Laws) Order, 1956 (P.O. No. 8 of 1956), Art. 2 and Sch. (w.e.f. the 23<sup>rd</sup> March, 1956).

<sup>3</sup> The words "or for the maintenance of public order [in the Federal Territory of Karachi]" omitted by the Repealing and Amending Ord., 1965 (10 of 1965), s. 3 and 2<sup>nd</sup> Sch. The words in crotchets were first added by P.O. No. 8 of 1956 and then amended by the Repealing and Amending Ord., 1961 (1 of 1961) s. 3 and 2<sup>nd</sup> Sch.

<sup>1</sup>[(3) It shall come into force at once <sup>2</sup>\* \* \*].

<sup>3</sup>**2. Definitions.** In this Act, unless there is anything repugnant in the subject or context,—

<sup>4</sup>**(a)** ‘Board’ means the Review Board referred to in clause (4) of Article 10 of the Constitution which is appointed by the Chief Justice of Pakistan and consists of a Chairman and two other persons, each of whom is or has been a Judge of the Supreme Court or a High Court;]

**(b)** “Code” means the Code of Criminal Procedure, 1898 (Act V of 1898) ;

**(c)** “document” includes any painting, drawing, photograph or other visible representation and gramophone records, sound tracks and any other article on which sounds have been recorded with a view to their subsequent reproduction ; and

**(d)** “press” includes a printing press and all machines, implements and plant and parts thereof and all materials used for multiplying documents.]

**3. Restrictions on the movements of suspected persons and their detention.**—(1) The <sup>5</sup>[Federal Government] if satisfied with respect to any particular person, that, with a view to preventing him from acting in any manner prejudicial to the defence or the external affairs or

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<sup>1</sup> Subs. and shall be deemed always to have been subs. by the Security of Pakistan (Amdt.) Act, 1958 (13 of 1958), s. 2 for the original sub-section (3), as amended by the Security of Pakistan (Amdt.) Act, 1956 (16 of 1956), s. 2 and Sch.

<sup>2</sup> The words “and shall remain in force until the 30<sup>th</sup> June, 1961,” as amended by the Security of Pakistan (Second Amdt.) Act, 1958 (46 of 1958), s. 2, the Security of Pakistan (Amdt.) Ord. 1959 (20 of 1959), s. 2 and the Security of Pakistan (Amdt.) Ord., 1960 (17 of 1960), s. 2, have been omitted by the Security of Pakistan (Second Amdt.) Ord., 1961 (23 of 1961), s. 2.

<sup>3</sup> Subs. by the Security of Pakistan (Amdt.) Act, 1965 (14 of 1965), s. 2, for the original s. 2, as amended by Act 13 of 1958 and the Repealing and Amending Ord., 1965 (10 of 1965).

<sup>4</sup> Subs. by the Preventive Detention Laws Amendment Act, 1975 (44 of 1975), s. 2.

<sup>5</sup> Subs. *ibid.*, for “Central Government”.

the security of Pakistan, or any part thereof<sup>1</sup>\* \* \*<sup>2</sup>\* \* \*, it is necessary so to do, may make an order—

(a) directing such person to remove himself from Pakistan in such manner, before such time, and by such route, as may be specified in the order;

(b) directing that he be detained<sup>3</sup>[:]

<sup>4</sup>[Provided that, within a period of twenty-four months commencing on the day of his first detention in pursuance of an order made under the clause, no person, other than a person who for the time being is an enemy alien or who is employed by, or works for, or acts on instructions received from, the enemy, or who is acting or attempting to act in a manner prejudicial to the integrity, security or defence of Pakistan or any part thereof or who commits or attempts to commit any act which amounts to anti-national activity as defined in a Federal law or is a member of any association which has for its objects, or which indulges in, any such anti-national activity, shall be detained in pursuance of any such order for more than a total period of eight months in the case of a person detained for acting in a manner prejudicial to public order and twelve months in any other case.]

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<sup>1</sup> The words "or to the maintenance of supplies and services essential to the community" omitted by the *Adaption (Security Laws) Order, 1956 (P.O. No. 8 of 1956), Art. 2 and Sch.* (w.e.f. the 23<sup>rd</sup> March, 1956).

<sup>2</sup> The words and comma "or for the maintenance of public order in the Federal Territory of Karachi or of the maintenance therein of essential supplies or services" as amended by the *Adaption (Security Laws) Order, 1956 (P.O. No. 8 of 1956), the Repealing and Amending Ord., 1961 (1 of 1961), and Act, 13 of 1958* have been omitted by the *Repealing and Amending Ord. 1965 (10 of 1965), s. 3 and 2<sup>nd</sup> Sch.*

<sup>3</sup> Subs. by the *Preventive Detention Laws (Amendment) Act, 1962 (4 of 1962), s. 2, for the semi-colon.*

<sup>4</sup> Subs. by the *Preventive Detention Laws Amendment Act, 1975 (44 of 1975), s. 2.*

- (c) directing that, except in so far as may be permitted by the provisions of the order, or by such authority or person as may be specified therein, he shall not be in any such area or place as may be specified in the order;
- (d) requiring him to reside or remain in such place or within such area in Pakistan as may be specified in the order, and if he is not already there, to proceed to that place or area within such time as may be specified in the order ;
- (e) requiring him to notify his movements or to report himself or both to notify his movements and report himself in such manner, at such times, and to such authority or person, as may be specified in the order ;
- (f) requiring him to conduct himself in such manner, abstain from such acts, or take such order with any property in his possession or under his control, as may be specified in the order ;

1\*                    \*                    \*                    \*                    \*                    \*                    \*

- (h) prohibiting or restricting the <sup>2</sup>\*                    \*                    \* use by him of any such article or articles as may be specified in the order :

Provided that no order shall be made under clause (a) of this sub-section in respect of any person who is or is deemed to be a citizen of Pakistan under the law for the time being in force.

(2) An order made under sub-section (1) may require the person in respect of whom it is made to enter into a bond, with or without sureties, for the due performance of, or as an alternative to the enforcement of, such restrictions or conditions made in the order as may be specified in the order.

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<sup>1</sup> Cl. (g) omitted by the Security of Pakistan (Amdt.) Act, 1958 (13 of 1958) s. 4.

<sup>2</sup> The words "possession or" omitted, *ibid.*